

# **Public Hearings**

Applying to 2013–2014
Fishing, Hunting & Trapping Seasons



# September 2012

North Carolina Wildlife Resources Commission newildlife.org

# State of North Carolina

Bev Perdue, Governor

# Department of Environment and Natural Resources

Dee Freeman, Secretary

# North Carolina Wildlife Resources Commission (as of August 1, 2012)

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Gordon Myers, Executive Director





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1701 Mail Service Center, Raleigh NC 27699-1701, 919-707-0010

**Thank you** for attending this public hearing. The N.C. Wildlife Resources Commission appreciates the investment of your time here, to show your concern for fish and wildlife programs in North Carolina. We welcome your opinions and suggestions about these programs.

All state regulatory agencies must follow certain procedures that govern how rules are adopted under the Administrative Procedure Act. Public notice is required and proposed regulations are published in the *North Carolina Register*. A lengthy comment period follows, which includes these public hearings. These procedures are designed to give the proposed regulations wide public exposure and to offer the public opportunities to respond with support, opposition or suggestions.

For fish and wildlife regulations, this process begins at the previous year's hearings and continues throughout the year. We consider all suggestions presented to us during the past year as starting points for these proposed regulations. As a result, the proposals presented in this document are a reflection of public, staff and committee input. The commissioners approved these proposals for publication in the *North Carolina Register* and for presentation at these public hearings.

In November 2012, after considering comments from the public and consulting with staff, the Wildlife Resources Commission will make final decisions on the proposed regulations. The rules that are adopted will then be available in the *N.C. Inland Fishing, Hunting and Trapping Regulations Digest* for 2013–2014. The *Regulations Digest* will be available on Aug. 1, 2013 from your licensing agent and on the NCWRC website at ncwildlife.org.

We appreciate your participation and look forward to hearing your comments. With your help, we will provide the best possible fish and wildlife programs for your enjoyment today and in the future.

Sincerely,

David W. Hoyle, Jr., Chairman

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# To Sportsmen Attending Regulations Public Hearings

This booklet is designed to assist those in attendance at the public hearings in the nine wildlife districts. It contains a brief description of the major changes that the N.C. Wildlife Resources Commission is proposing.

# **Hearing Procedures**

For a schedule of hearings, see page 5, visit our website, newildlife.org, or call the Wildlife Resources Commission.

Please review the proposals in this booklet when you arrive and complete the record form if you want to comment. During the hearing, a Commission official will ask for your comments, opinions or suggestions. Your comments are welcome, and each will be considered. In the interest of time and fairness to others who want to speak, please be concise. We ask that your comments on each proposed change be confined to the period allotted for discussions of that proposal. Adequate time to discuss each proposal will be allowed before moving to the next item.

After the proposed changes contained in this booklet are discussed, time will be allotted to discuss other matters of interest that you may want to present to the Commission for consideration. We earnestly solicit your input toward better ideas for wildlife regulations. We also ask you to remember that changing regulations in the N.C. Administrative Code can be a lengthy process. It often takes more than one year to change regulations to include your proposals. These public hearings are, however, the proper starting point for your suggestions.

# What Happens Next?

A written record of all public comments will be compiled and reviewed by Commission staff and by the commissioners. Your recommendations, biological information from field surveys, harvest records, changes in habitat, fish and wildlife populations, breeding stocks, game lands use and other conditions that affect wildlife will be considered.

You are encouraged to speak at the public hearings or to write to the Commission, if you have recommendations. We will accept public input about changes to the fishing, hunting and trapping regulations until the close of the public comment period on Oct. 15. You can also comment on regulation proposals during the comment period on the Commission website, newildlife.org.

# The Part that Hearings Play

The Commission has been charged with managing North Carolina's wildlife resources since 1947. Setting forth rules is one means by which we manage those resources to serve the recreational and economic interests of the state's citizens. We rely on the public's cooperation and assistance in this endeavor. Thus, we urge you to participate in these public hearings and to submit your opinions, either verbally or in writing, to the staff of the Commission.

# Schedule for the 2012 Hunting, Trapping and Fishing Public Hearings

Before you make final plans to attend, check the N.C. Wildlife Resources Commission website for current updates, including weather-related rescheduling, at newildlife.org.

Hearing Time: 7 p.m.

Date	District	City	Location
Tue., Sept. 11	4	Dublin	Bladen Community College
Wed., Sept. 12	5	Graham	Alamance County Courthouse
Thu., Sept. 13	6	Norwood	South Stanly High School
Tue., Sept. 18	9	Murphy	Tri-County Community College
Wed., Sept. 19	8	Morganton	Morganton Municipal Auditorium
Thu., Sept. 20	7	Wilkesboro	The John A. Walker Center, Wilkes Community College
Tue., Sept. 25	1	Edenton	Swain Auditorium
Wed., Sept. 26	2	New Bern	Craven County Courthouse
Thu., Sept. 27	3	Rocky Mount	Nash Community College

Get N.C. Wildlife Update—news including season dates, bag limits, legislative updates and more—delivered to your Inbox from the N.C. Wildlife Resources Commission. Go to ncwildlife.org/enews.

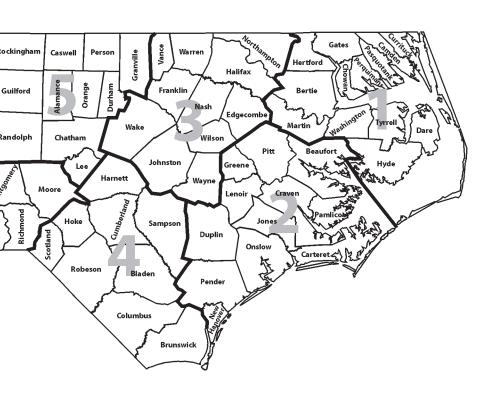
# North Carolina Wildlife Resources Commission Districts



# **Report Wildlife Violations**

Toll-Free Number 800-662-7137

In the Raleigh area, call: 919-707-0040



# Proposed Changes in Fishing Regulations for 2013-2014

The following changes in the statewide fishing regulations are proposed by the N.C. Wildlife Resources Commission and are offered for your comments, opinions or suggestions.

## Game Fish

#### Trout

- **F1. South Fork New River (Ashe County)** –Designate approximately 1.0 mile of the South Fork New River in Ashe County as Public Mountain Trout Waters and classify as Delayed Harvest Trout Waters.
- **F2. Big Elkin Creek (Surry County)** –Designate approximately 0.4 mile of Big Elkin Creek in Surry County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.
- **F3. South Fork New River (Watauga County)** Designate 1.0 mile of the South Fork New River in Watauga County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.

**Justification:** Proposals F1–F3 will provide additional public mountain trout fishing opportunities under the Hatchery-Supported and Delayed-Harvest classifications

**F4. Fires Creek (Clay County)** –Reclassify 2.2 miles of Fires Creek in Clay County from Wild Trout Waters to Delayed Harvest Trout Waters.

**Justification:** Proposal F4 will increase the diversity of trout fishing opportunities in the local area and was developed in coordination with the U.S. Forest Service and Clay County.

**F5. Big Snowbird Creek (Graham County)** –Reclassify 2.8 miles of Big Snowbird Creek in Graham County from Hatchery Supported Trout Waters to Delayed Harvest Trout Waters.

**Justification:** Proposal F5 will increase the diversity of trout fishing opportunities in the local area and was developed in coordination with the U.S. Forest Service and Graham County.

**F6.** Tributaries to 19 Hatchery Supported Trout Waters located on Commission game lands—Reclassify the tributaries to the following Hatchery Supported Trout Waters on Commission game lands from Hatchery Supported Trout Waters to Wild Trout Waters unless otherwise classified: Elk River in Avery County; Corner Rock Creek and Bent Creek in Buncombe County; Carroll Creek and Linville River in Burke County; Hyatt Creek and Junaluska Creek in Cherokee County; Santeetlah Creek, (Big) Snowbird Creek, and Panther Creek in Graham County; Cold Springs Creek in Haywood County; Burningtown Creek and Cullasaja River in Macon County; Shut-in Creek, Roaring Fork, and Spillcorn Creek in Madison County; Little Buck

Creek in McDowell County; Connelly Creek in Swain County; and West Fork French Broad River in Transylvania County.

**Justification:** Proposal F6 will assist anglers in locating stocked-trout angling opportunities by utilizing the Hatchery Supported Trout Waters classification only for waters actually receiving trout stockings. Many of these tributaries contain self-sustaining wild trout populations and would be managed more appropriately as Wild Trout Waters where they would receive greater regulatory protection.

- **F7. North Fork New River (Watauga County)** –Reclassify 1.5 miles of North Fork New River in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.
- **F8. Maine Branch (Watauga County)** –Reclassify 1.0 mile of Maine Branch in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.

**Justification**: Proposals F7 and F8 will reclassify sections of Public Mountain Trout Waters which contain self-sustaining wild brown and brook trout populations. These existing trout populations are capable of supporting angling without the aid of stocked trout.

- F9. Howard Creek (Watauga County) Reclassify 6.0 miles of Howard Creek in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.

  Justification: Proposal F9 will reclassify a section of Howard Creek where angler access and stocking locations have become limited. In addition, the section contains self-sustaining wild brown and rainbow trout populations which are capable of supporting angling without the aid of stocked trout.
- **F10. Nantahala River (Macon County)** –Reclassify the portion of the upper Nantahala River and its tributaries on Commission game lands from Wild Trout Waters to Wild Trout/Natural Bait Waters.

**Justification:** Proposal F10 will simplify regulations by consolidating the Nantahala River watershed under Wild Trout/Natural Bait Waters. Kimsey Creek and Park Creek are currently classified as Wild Trout/Natural Bait Waters and located in close proximity to Wild Trout Waters which creates confusion for anglers over the use and possession of natural bait.

- **F11.** Richland Creek (Haywood County) Modify the lower boundary of Hatchery Supported Trout Waters on Richland Creek in Haywood County, adding 0.3 mile to Public Mountain Trout Waters.
- **F12.** Cane Creek (Henderson County) Modify the upper boundary of Hatchery Supported Trout Waters on Cane Creek in Henderson County, adding 0.3 mile to Public Mountain Trout Waters.

**Justification:** Proposals F11 and F12 will provide additional stocked-trout angling opportunities in Public Mountain Trout Waters adjacent to town greenways.

**F13. Brush Creek (Alleghany County)**—Modify the upper boundary of Hatchery Supported Trout Waters on Brush Creek in Alleghany County, removing approximately 2.0 miles of Public Mountain Trout Waters.

- **F14. Buffalo Creek (Ashe County)** Modify the upper boundary of Hatchery Supported Trout Waters on Buffalo Creek in Ashe County, removing approximately 2.0 miles of Public Mountain Trout Waters.
- **F15.** Clear Creek (Henderson County)—Modify the upper boundary of Hatchery Supported Trout Waters on Clear Creek in Henderson County, removing 0.3 mile from Public Mountain Trout Waters.
- **F16.** South Fork Reddies River (Wilkes County) Modify the upper boundary of Hatchery Supported Trout Waters on South Fork Reddies River in Wilkes County, removing 3.0 miles from Public Mountain Trout Waters.
- **F17. South Prong Lewis Fork (Wilkes County)** –Modify the upper boundary of Hatchery Supported Trout Waters on South Prong Lewis Fork in Wilkes County, removing 2.0 miles from Public Mountain Trout Waters.
- **F18.** Fall Creek (Wilkes County) Modify the upper boundary of Hatchery Supported Trout Waters on Fall Creek in Wilkes County, removing 4.0 miles from Public Mountain Trout Waters.

**Justification:** Proposals F13–F18 will establish new upper boundaries that more accurately reflect the portions of Hatchery Supported Trout Waters actually being stocked and accessible to the public. Public access upstream of the proposed upper boundaries is limited due to private property being posted against trespass, and there are no stocking locations within these upper reaches.

**F19. Green River (Henderson County)**—Modify the Hatchery Supported Trout Waters section of the Green River in Henderson County by removing 2.1 miles from Public Mountain Trout Waters, allowing 2.4 miles on Commission game lands to default to Wild Trout Waters, and maintaining a popular 0.3-mile section below Lake Summit as Hatchery Supported Trout Waters.

Justification: Proposal F19 will clarify the reach of the Green River that is currently managed as Hatchery Supported Trout Waters. The 0.3-mile section of the Green River immediately below the Lake Summit hydropower plant will remain Hatchery Supported Trout Waters as it has good public access and is very popular among anglers. The 0.9-mile section of the Green River upstream of Lake Summit is located on private property providing very limited public angling opportunities. The 1.2-mile section of the Green River immediately below Lake Summit is de-watered for hydropower generation, does not contain suitable trout habitat and is inaccessible to anglers. These two sections of the Green River will be removed from Public Mountain Trout Waters. The 2.4 miles of the Green River downstream of the popular Hatchery-Supported section is located on Commission game lands and will default to Wild Trout Waters. This section is accessible to float anglers, contains year-round trout habitat due to cold water releases from Lake Summit, and supports wild rainbow and brown trout populations.

**F20. Watauga River (Watauga County)** –Modify the lower boundary of Wild Trout Waters on Watauga River in Watauga County, removing approximately 0.3 mile from Public Mountain Trout Waters.

**Justification:** Proposal F20 will establish a new lower boundary and remove a portion of the Watauga River adjacent to private property posted against trespass and no longer accessible to the public.

**F21.** Pine Swamp Creek (Ashe County) – Remove 4.0 miles of Pine Swamp Creek in Ashe County from Public Mountain Trout Waters.

**Justification**: Proposal F21 will remove the Public Mountain Trout Waters designation on Pine Swamp Creek as public access is very limited due to private property being posted against trespass. In addition, the creek contains several populations of native, Southern Appalachian brook trout, and eliminating trout stocking will avoid potential impacts to these important native trout populations.

**F22.** Mill Creek (Ashe County) – Remove 3.0 miles of Mill Creek in Ashe County from Public Mountain Trout Waters.

**Justification:** Proposal F22 will remove the Public Mountain Trout Waters designation on Mill Creek adjacent to private property posted against trespass and no longer accessible to the public or for stocking.

- **F23. Yellow Creek (Graham County)**—Remove 6.8 miles of Yellow Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.8 mile on Commission game lands will default to Wild Trout Waters.
- **F24. Mountain Creek (Graham County)** Remove 5.2 miles of Mountain Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.4 mile on Commission game lands will default to Wild Trout Waters.

**Justification:** Proposals F23 and F24 will remove the Public Mountain Trout Waters designation on those waters adjacent to private property posted against trespass and no longer accessible to the public. The portions of these creeks located on game lands will be managed under Wild Trout Waters classification due to the presence of self-sustaining wild rainbow trout populations.

**F25. Shoal Creek (Jackson County)**—Remove approximately 0.1 mile of Shoal Creek in Jackson County from Public Mountain Trout Waters.

**Justification:** Proposal F25 will remove the Public Mountain Trout Waters designation on Shoal Creek adjacent to private property posted against trespass and no longer accessible to the public.

**F26.** West Fork Tuckasegee River (Jackson County) – Remove 3.3 miles of the West Fork Tuckasegee River in Jackson County from Public Mountain Trout Waters.

**Justification:** Proposal F26 will remove the Public Mountain Trout Waters designation from a portion of the West Fork Tuckasegee River adjacent to private property which is mostly posted against trespass and contains limited rainbow and brown trout populations.

**F27. East Prong Roaring River (Alleghany County)** – Clarify in the N.C. Administrative Code that East Prong Roaring River in Alleghany County should not be listed as Public Mountain Trout Waters.

**Justification:** Proposal F27 is an administrative change. East Prong Roaring River is located exclusively within Wilkes County and is incorrectly listed within the N.C. Administrative Code under Alleghany County.

**F28.** Little Buffalo Creek (Graham County) – Clarify in the N.C. Administrative Code that Little Buffalo Creek in Graham County should not be listed as Hatchery Supported Trout Waters.

**Justification:** Proposal F28 is an administrative change. In July 2006, Little Buffalo Creek was reclassified from Hatchery Supported to Wild Trout Waters; however, in the N.C. Administrative Code, it was not removed from Hatchery Supported Trout Waters.

**F29. East Prong Roaring River (Wilkes County)** – Clarify in the N.C. Administrative Code the boundaries for Hatchery Supported Trout Waters and Delayed Harvest Trout Waters on East Prong Roaring River in Wilkes County.

**Justification:** Proposal F29 is an administrative change. The boundary description for East Prong Roaring River listed under Hatchery Supported Trout Waters in the N.C. Administrative Code will be modified to reconcile it with the description used elsewhere in the N.C. Administrative Code and the *Inland Fishing*, *Hunting and Trapping Regulations Digest*.

#### Black Bass

**F30. General Statewide Limits** – Clarify the general statewide limits for black bass in the N.C. Administrative Code by incorporating the statewide exception listed in 15A NCAC 10C .305(b)(7) which allows the possession of two fish smaller than the minimum size limit into the general size and creel limits listed in 15A NCAC 10C .0305(a).

**Justification:** Proposal F30 is an administrative change and will clearly define the general statewide limits for black bass as a minimum size limit of 14 inches and a daily creel limit of five black bass in combination allowing two fish within the five-fish daily creel limit to be less than 14 inches.

**F31. Santeetlah Reservoir** –Establish an exception to the general statewide limits for black bass in Santeetlah Reservoir by removing the daily creel limit for black bass less than 14 inches. The creel limit for black bass greater than 14 inches will remain five fish in combination

**Justification:** Proposal F31 will allow increased harvest of black bass less than 14 inches in Santeetlah Reservoir. Angler catches and biological surveys indicate that the black bass population in the reservoir is overcrowded and stunted

**F32. General Statewide Limits** – Establish the general statewide limits for black bass (a five-fish daily creel limit with a minimum size limit of 14 inches allowing two

fish to be retained in the daily creel limit that are less than 14 inches) in these waters: Lake Luke Marion in Moore County; Reedy Creek Park lakes in Mecklenburg County; Lake Rim in Cumberland County; Tar River downstream of Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, and all their tributaries; South Yadkin River downstream of Cooleemee Dam; and the Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery and Blewett Falls Lake.

**Justification:** Proposal F32 will simplify regulations by establishing the general statewide limits for black bass on waters where biological and angler harvest data indicate that these limits will adequately protect black bass populations.

# Striped Bass and Hybrid Striped Bass

**F33. General Statewide Limits** – Clarify the general statewide limits for striped bass and hybrid striped bass in the N.C. Administrative Code by incorporating the statewide exception listed in 15A NCAC 10C .0305(b)(10) which allows the possession of two fish smaller than the minimum size limit into the general size and creel limits listed in 15A NCAC 10C .0305(a).

**Justification:** Proposal F33 is an administrative change and will clearly define the general statewide limits for striped bass and hybrid striped bass as a minimum size limit of 16 inches and a daily creel limit of eight fish in combination allowing two fish within the eight-fish daily creel limit to be less than 16 inches

**F34.** John H. Kerr Reservoir and Dan River – Modify an exception to the general statewide limits for striped bass and hybrid striped bass by decreasing the minimum size limit from 26 to 24 inches in John H. Kerr Reservoir and in the North Carolina portion of the Dan River upstream from the Bannister River to the dam at Union Street in Danville, VA from October 1 through May 31. The creel limit will remain two striped bass or hybrid striped bass in combination from October 1 through May 31. From June 1 through September 30 the daily creel limit of four striped bass or hybrid striped bass in combination and no minimum size limit will not change. The upstream boundary for this regulation on the Dan River will be redefined from the Brantly Steam Plant Dam to the dam at Union Street in Danville, VA.

**Justification:** Proposal F34 will reconcile the minimum size limit for striped bass in John H. Kerr Reservoir and the Dan River with the limit established by the Virginia Department of Game and Inland Fisheries (VADGIF) and will make it easier for anglers to comply with size and creel limits when fishing these border waters. VADGIF recently reduced the minimum size limit to address a decrease in striped bass growth rates and a substantial increase in the angling effort required to capture a harvestable size fish. This proposal will also redefine the upstream boundary because the dam at the Brantly Steam Plant has been removed.

# Walleye

**F35.** John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake —Establish an exception to the general statewide limits for walleye by establishing an 18-inch minimum size limit in John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake and decreasing the daily creel limit from eight to five fish.

**Justification:** Proposal F35 will promote a self-sustaining walleye population and reduce the dependence on intermittent stocking. The proposed change is consistent with the walleye regulation currently in place for the Virginia portions of John H. Kerr Reservoir and Lake Gaston and will make it easier for anglers to comply with size and creel limits when fishing these border waters.

#### American Shad

**F36.** Cape Fear River – Establish an exception to the general statewide daily creel limit for American shad and hickory shad by reducing the possession limit of American shad in the inland fishing waters of the Cape Fear River and its tributaries to five fish per day within the 10-fish daily creel for American shad and hickory shad in combination.

Justification: Proposal F36 will reduce the harvest of American shad in the Cape Fear River to a level deemed sustainable by the Atlantic States Marine Fisheries Commission (ASMFC). In 2011, Commission staff worked cooperatively with the NC Division of Marine Fisheries (NCDMF) to develop a statewide sustainability plan for American shad as required by ASMFC in order to maintain American shad fisheries in coastal rivers. NCDMF will implement the same reduction for the daily recreational creel limit in joint and coastal fishing waters of the Cape Fear River as well as reduce the length of the commercial fishing season to assure a similar reduction in the commercial harvest.

# Crappie and Sunfish

**F37.** Lake Mattamuskeet – Remove from the N.C.Administrative Code the exception to the general statewide limits for crappie and sunfish that stipulates federal regulations apply on Lake Mattamuskeet.

**Justification:** Proposal F37 is an administrative change, and the current size and creel limits for crappie and sunfish at Lake Mattamuskeet will not change. There are currently no special federal regulations that apply to crappie, sunfish, or any other game fish species in Lake Mattamuskeet.

# Nongame Fish

**F38. Bighead and Silver Carp** –Add bighead and silver carp to the list of species which are unlawful to transport, purchase, possess, sell or stock into public or private waters.

**Justification:** Proposal F38 will limit the spread of these invasive and exotic species into North Carolina. These species can significantly and negatively affect aquatic ecosystems and fishery resources if introduced into the state.

**F39. River Herring in Coastal Rivers** – Clarify that river herring (alewife or blueback herring) greater than six inches may not be possessed while boating on or fishing in inland fishing waters of coastal rivers and their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of Rocky Mount Mill Dam, Neuse River downstream of Milburnie Dam, Cape Fear River downstream of Buckhorn Dam, Pee Dee River downstream of Blewett Falls Dam, the entire Lumber River including Drowning Creek, and in all other inland fishing waters east of Interstate 95.

**Justification:** Proposal F39 will clarify the possession of river herring greater than six inches while boating on or fishing in the inland fishing waters of coastal rivers and allow the current river herring harvest moratorium to be more effectively enforced. A harvest moratorium was established in 2007 to protect North Carolina's coastal river herring stocks.

**F40. River Herring on Lake Rhodhiss and Lake James**—Remove the prohibition on the possession of live river herring (alewife and blueback herring) on Lake Rhodhiss and Lake James.

**Justification:** Proposal F40 will allow on-site capture of alewife for bait at Lake Rhodhiss and Lake James. Alewife have become established in these lakes, and this change will reduce the need for anglers to transport bait from other sources and the associated risk of introducing other unwanted species.

### Other

**F41. Set hooks** – Allow the use of set hooks in impounded waters of power reservoirs and municipally-owned water supply reservoirs which are designated as Public Mountain Trout Waters.

**Justification:** Proposal F41 will provide additional fishing opportunities in nine power and municipally-owned water supply reservoirs where trout are stocked to enhance existing fisheries. Anglers fishing these reservoirs have expressed a desire to harvest other species such as catfish with set-hooks. Fishing pressure from anglers using set-hooks is expected to be low.

# Proposed Changes in Hunting and Trapping Regulations for 2013-2014

The following changes in the statewide hunting, game land management, captive cervid and permit regulations are proposed by the N.C. Wildlife Resources Commission and are offered for your comments, opinions or suggestions.

#### Deer

**H1.** Move the portions of Avery and Yancey counties that are currently in the introductory either-sex deer season (one day) into the conservative either-sex deer season (six days) for all private lands. Keep game land either-sex season as introductory (one day).

**Justification:** Based upon available information, the deer population in Avery and Yancey counties can sustain a conservative either-sex deer season and this change increases deer hunting opportunity.

**H2.** Remove restrictions on carrying firearms during the deer bow-and-arrow season and pistols during the muzzleloader season in order to comply with state law. Allow hunting with muzzleloading pistols.

Justification: Legislation passed by the General Assembly in 2011 made it "... lawful for a person to carry any firearm openly, or to carry a concealed handgun with a concealed handgun permit, at any State-owned rest area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing reservation." This state law allows hunters to carry any firearm during the deer bow-and-arrow and muzzleloader seasons. Even though hunters would be allowed to carry firearms during bow-and-arrow season, they could still only hunt with bow-and-arrow. Allowing hunting with muzzle-loading pistols increases opportunity.

# Turkeys

**H3.** Allow an adult to accompany more than one youth during the one-day Spring Youth Only Wild Turkey Season.

**Justification:** Currently an adult is allowed to take only one youth turkey hunting during the Spring Youth Only Wild Turkey Season. This change would create more hunting opportunity for youths.

**H4.** Create a one week Spring Youth Only Wild Turkey Season from the first Saturday in April through the following Friday. The bag limit for this season would be one bird.

**Justification:** The current Youth Only Wild Turkey Season is one day in length. The proposed change would give youths more time to hunt before the Spring Wild Turkey season opens for all hunters. A bag limit of one bird should minimize potential biological impacts of this earlier season. The combined season

bag limit for the Youth Only Wild turkey Season and the Spring Wild Turkey season (regular season) will remain at two birds.

# Squirrels

**H5.** Open four additional counties to fox squirrel hunting: Stokes, Surry, Watauga, and Wilkes.

**Justification:** All available information indicates that fox squirrels are expanding their range in the northwestern part of North Carolina. Based upon these observations, N.C. survey data and data from Virginia, staff believes that Stokes, Surry, Watauga, and Wilkes counties have sufficient numbers of fox squirrels to sustain a harvest. This change would increase opportunity for squirrel hunters.

# Alligators

**H6.** Remove barriers in the current N.C. Administrative code in order to allow alligators to be hunted if the Commission develops a specific season proposal which would have to go though a future rule-making cycle and be presented at future public hearings.

**Justification:** There is some interest among North Carolina sportsmen for an alligator hunting season. Under the current rules, the Commission could not open a season for alligators. This proposal changes those rules so that the Commission could do so after taking a specific season proposal to future public hearings. This current proposal does not create an alligator season or allow alligators to be hunted.

# Dog Training

**H7.** Allow hunters to carry firearms while dog training.

**Justification:** Legislation passed by the General Assembly in 2011 made it "... lawful for a person to carry any firearm openly, or to carry a concealed handgun with a concealed handgun permit, at any State-owned rest area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing reservation." This state law allows hunters to carry all firearms while dog training on game lands and on private lands. See page 43 of the 2012–2013 Inland Fishing, Hunting and Trapping Regulations for restrictions on using firearms while dog training.

#### Game Lands

**H8.** Increase fees for the use of the J. Robert Gordon Field Trial Area facilities located on the Sandhills Game Lands from the current \$25 to \$75 for use of the club house only and \$100 to \$200 for the use of the club house and field trial grounds.

**Justification:** The cost in maintenance, utilities and garbage disposal for the facilities at the J. Robert Gordon Field Trial Area has gone up without a corresponding fee increase in over 20 years. Proposed increases will help pay for the daily operational cost of running the facilities. This proposal was presented at the September 2011 hearings and received widespread support; however due to an administrative oversight the Commission must put the proposal before the public again in order to begin charging these new fees.

**H9.** Allow open carry of firearms anytime on state-owned game lands and wildlife conservation areas.

**Justification:** Legislation passed by the General Assembly in 2011 made it "... lawful for a person to carry any firearm openly, or to carry a concealed handgun with a concealed handgun permit, at any State-owned rest area, at any State-owned rest stop along the highways, and at any State-owned hunting and fishing reservation." This directive will allow hunters to carry all firearms openly at any time on game lands. This proposal changes the Commission's rules so they are in line with state law.

**H10.** Allow hunting by special permit on game lands when the seasons for game animals (bear, fox, rabbit, squirrel, deer, bobcat, opossum and raccoon) and game birds (all migratory game birds and upland game birds) are closed.

Justification: Currently hunting is prohibited on game lands when there is no open season for game animals or game birds. Seasons are closed during March, April until the opening of turkey season, May after the close of turkey season, June, July and August. These closures allow for game land maintenance and multiple uses. There may be times, however, when hunting for coyotes, feral swine and other "off season" species is compatible with land management and other uses. These opportunities would be offered through the special hunts program.

**H11.** Limit hunting on game lands with weapons legal for open seasons for game animals or game birds.

**Justification:** Due to the change in state law that allows anyone to carry any firearm openly on state-owned game lands, hunters will be able to carry rifles during the turkey season and firearms during the deer bow-and-arrow season. Although it is unlawful to use rifles to take turkeys and firearms to take deer during the bow-and-arrow season, it is not unlawful to take other nongame species with overlapping seasons, such as coyotes and groundhogs, with those weapons. Restricting hunters to using only the weapons legal for the open game bird (upland game birds and migratory game birds) or game animal (bear, fox, rabbit, squirrel, deer, bobcat, opossum and raccoon) season on game lands should reduce opportunities for illegal take.

**H12.** Allow trapping on Sherwood and Harmon Den Bear Sanctuaries, part of the Pisgah Game Land in Haywood County.

**Justification:** Trapping is allowed on Pisgah Game Land in all other areas and there is no biological reason to restrict trapping on these sanctuaries. Last year the Commission lifted the restriction on hunting raccoon, opossum and bobcat

on these areas. This proposal will increase sportsmen opportunity and simplify the rules.

**H13.** Allow waterfowl hunting on the Monday after Christmas and the Monday after New Year's Day when these holidays fall on a Sunday.

**Justification:** On several game lands and waterfowl impoundments that do not require permits, waterfowl hunting is allowed on holidays in addition to other days of the week. There is no alternate day for waterfowl hunting when the Christmas and New Year's Day holidays fall on a Sunday (a non-hunting day). This change would maximize waterfowl hunting opportunities.

**H14.** Allow a youth/adult dove hunt by permit on opening day of dove season on Needmore Game Land on posted dove fields only.

**Justification:** This change will offer more special opportunities for young hunters

**H15.** Prohibit horseback riding on Perkins Game Land in Davie County. **Justification:** This is a landowner request. Duke Energy, the landowner, has stated due to safety issues, liability concerns and potential conflicts with the hunting season and farming activities, they do not want horseback riding on the game land.

**H16.** Clarify existing regulations that allow muzzleloader and archery deer hunting on the J. Robert Gordon Field Trial Grounds at the Sandhills Game Land.

**Justification:** Current language in the N.C. Administrative Code for the field trial grounds states deer hunting is allowed during the gun season, which is the days the game land is open from the second Monday before Thanksgiving through the Saturday following Thanksgiving, but is unclear whether this applies to the archery and muzzleloading seasons as well. The N.C. Administrative Code text changed under this proposal would clearly allow hunting on the field trial grounds during the archery and muzzleloading seasons that occur before Thanksgiving.

**H17.** Allow waterfowl hunting on the J. Robert Gordon Field Trial Grounds at the Sandhills Game Land during all open days of the waterfowl season.

**Justification:** Currently there is no provision in rule to allow waterfowl hunting on the J. Robert Gordon Field Trial Grounds after October 22. Allowing waterfowl hunting during the entire season will increase opportunity without conflicting with field trial activities.

**H18.** Open spring camping season on the game lands on March 31.

**Justification:** Currently the spring camping season opens on April 7. Opening the spring camping season a week earlier offers more camping opportunity for youth turkey hunters and their adult mentors participating in the Spring Youth Only Wild Turkey Season.

### **Permits**

- **H19.** Reduce requirements for obtaining a permit in cases of depredation (causing damage) and allow for better use of wildlife taken under depredation permits by making the following changes:
  - remove the requirement that an animal cause at least \$50.00 in damage be fore the property owner can receive a depredation permit and allow for a permit to be written for any amount of damage;
  - remove the requirement that cities, towns and villages attempt using the Urban Archery season for deer overabundance before receiving a depredation permit;
  - allow the take of alligators with depredation permits, subject to Executive Director approval;
  - allow the take of feral swine with depredation permits; and
  - allow any animal taken under a depredation permit to be retained for food if so written on the permit.

**Justification:** A number of restrictions for depredation permits are no longer necessary to properly manage our wildlife resources. Specifically:

- the \$50.00 in damage requirement is arbitrary and difficult for a biologist or wildlife enforcement officer to determine;
- the Urban Archery season requirement for cities, town and villages does not allow for consideration of individual circumstances and reduces the ability to address deer overabundance;
- if an alligator causes property damage, the Executive Director should be able to issue a permit;
- although there is no closed season on feral swine, a person without a
  hunting license may need a depredation permit in order to solve a damage problem; and
- there is no practical reason to prohibit a property owner from eating
  wildlife taken with a depredation permit if so stated on the permit.
  There have been concerns about meat being wasted from animals killed
  under depredation permits.

**H20.** Reduce restrictions for taking wildlife in the act of depredation (causing damage) without a permit and allow for better use of animals taken while causing damage by making the following changes:

- remove the limit on the number of deer taken without a permit that can be retained for food. Deer may only be taken without a permit while in the act of damaging property;
- allow feral swine taken without a permit to be retained for food;
- allow the use of artificial lights in taking wildlife in the act of depredation without a permit, and
- reduce the number of species of wildlife taken without a permit that require reporting to the Commission to two: bears and alligators.

**Justification:** A number of restrictions for taking wildlife in the act of causing damage are not necessary to properly manage our wildlife resources. Specifically:

• there is no biological reason to limit the number of deer or feral swine taken

- without a permit that can be retained for food. There have been concerns about meat from animals killed while causing damage being wasted;
- artificial lights aid landholders who take depredating wildlife after dark; and
- it is necessary for the Commission to gather information only on alligators (which have a federal reporting requirement) and bear (which have black market potential for body parts) taken while causing damage.

**H21.** Reduce restrictions on keeping wildlife killed accidentally or found dead by making the following changes:

- allow a person to request authorization to keep a deer or turkey found dead of natural causes or due to a vehicle collision;
- allow a person to keep raptors and nongame migratory game birds found dead if the person holds a federal permit; and
- allow possession of any other species of wildlife found dead without Commission authorization, except for bears and protected species which may not be possessed at all.

**Justification:** Currently, most wildlife found dead may only be possessed for the purpose of taxidermy. There is no biological or regulatory reason for this restriction. Sale of animals found dead, or parts thereof, would still be prohibited, except licensed trappers and hunters could sell eligible wildlife to a fur dealer during the open season. This change should reduce regulatory burden upon the public.

# **Captive Cervids**

**H22.** For regulatory purposes, divide captive cervids (deer, elk, etc.) into two categories:

- a Category 1 cervid any white-tailed deer, white-tailed deer hybrid, Sika deer, red deer, elk, elk hybrid, moose or any other species of cervid in which the scientific community has documented Chronic Wasting Disease (CWD) and
- a Category 2 cervid any species of cervid in which the scientific community has not documented CWD.

Prohibit importation from any U.S. or Mexican state or territory, Canadian province or other country of origin which has documented CWD in a wild or captive cervid herd. Establish these importation criteria for Category 1 cervids: the individual U.S. or Mexican state or territory, Canadian province or other country of origin for a Category 1 captive cervid coming into North Carolina must require facility owners to:

- report all cervid deaths within the facility and submit all animals over the age of 12 months for CWD testing;
- place at least two tags on each animal in the facility; and
- record all acquisitions and dispositions to the herd.

Allow importation of a Category 2 cervid from any state/province/country without restrictions, except importation of any cervid is prohibited from any state/province/country with CWD. Category 2 cervids that are co-mingled, or have been co-mingled in the past five years, with Category 1 cervids will be held to the same importation standards as Category 1 cervids.

**Justification:** These standards provide for disease monitoring and control while enabling a higher degree of flexibility for importation locations.

**H23.** Allow new captive cervid licenses. Require these new facilities to have an interior or exterior electric fence with strand placements at 12, 20, 28, 36 and 48 inches above ground placed two feet away from the eight-foot fence that surrounds the pen. Strands at 20 and 36 inches would be nonelectrified grounding strands. Prohibit any person with a captivity license from requesting an additional license or obtaining a new license if one was revoked in the previous two years.

**Justification:** The captive cervid community has requested that the Commission allow applications for new captive cervid licenses. An electric fence will reduce the ability of captive cervids to make contact with wild cervids outside the fence and thus reduce the probability of disease transmission between wild and captive cervids.

**H24.** Increase the age for the requirement for CWD testing of deceased captive cervids from six months to 12 months.

**Justification:** The captive cervid community has requested that the Commission ease this requirement. This change is consistent with captive cervid monitoring requirements in several other states and proposed U.S. Department of Agriculture rules

**H25.** Reduce the species of captive cervids that must be tested for CWD upon death from all captive cervids to only Category 1 cervids.

**Justification:** The captive cervid community has requested that the Commission ease this requirement. At this time, the scientific community has documented CWD to occur in Category 1 cervids only.

**H26.** Allow for pen expansion for all captive cervid licensees if the expanded pen is double-fenced with an eight-foot high fence and an interior or exterior electric fence with strand placements at 12, 20, 28, 36 and 48 inches above ground. Strands at 20 and 36 inches would be nonelectrified grounding strands.

**Justification:** Currently pen expansion is allowed only for licensees with Certified herds. To allow pen expansion for all captive cervid licensees increases opportunity. An electric fence will reduce the ability of captive cervids to make contact with wild cervids outside the fence and thus reduce the probability of disease transmission between wild and captive cervids.

**H27.** Allow transportation of captive cervids from any N.C. Certified herd to any other captive cervid herd up to the licensed pen capacity for the receiving herd. **Justification:** Currently transportation is allowed between Certified herds only. To allow transportation for all captive cervid licensees increases opportunity.

# Summary of Proposed Changes to Captive Cervid Program

Importation of cervids from another state

#### **Current Restrictions**

- 1) Only licensees with Certified herds may import.
- 2) May only import from a herd that has not had CWD detected in the past five years
- 3) May only import from a herd which has been managed with standards more stringent than or equivalent to N.C. rules.

# **Proposed Restrictions**

- 1) Only licensees with Certified herds may import.
- 2) May not import from any state, province, or other country that has CWD.
- 3) Category 1 cervids may only be imported from a state, province, country that has a monitoring/certification program which requires, for Category 1 cervids:
  - submission for CWD testing all deceased animals over the age of 12 months;
  - tags, tattoos or otherwise permanently marking all animals over the age of 12 months; and
  - records kept of all acquisitions and all dispositions in the facility.
- 4) Category 1 cervids may only be imported from a herd successfully participating in that state's monitoring/certification program.
- 5) Category 2 cervids may be imported from any CWD-free state with no restrictions, unless that cervid comes from a facility that also contains Category 1 cervids, or has been in a facility with Category 1 cervids in the past five years. If a Category 2 cervid comes from a "mixed" herd it is subject to the same importation requirements as a Category 1 cervid.

Testing

#### **Current Requirement**

Mandatory testing of any captive cervid aged six months or older at time of death.

#### **Proposed Requirement**

Mandatory testing of any Category 1 cervid aged 12 months or older at time of death.

Licenses for holding captive cervids

#### **Current Restrictions**

No new captivity licenses for cervids issued.

#### **Proposed Restrictions**

- 1) No captivity license for cervids will be issued to someone who already holds a captivity license for cervids.
- 2) No captivity license for cervids will be issued to individuals who had a captivity license for cervids revoked within the previous two years.

## Fencing for captive cervid facilities

#### **Current Requirement**

Each facility must be contained by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.

## **Proposed Requirement**

- 1) Facilities licensed prior to January 1, 2013 must be contained by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.
- 2) Facilities licensed after January 1, 2013, must be contained by:
  - a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet AND
  - an electric fence, placed either internally or externally, two feet away from
    the eight-foot high fence with strand placements at: 12, 20, 28, 36 and 48
    inches above ground. The strands at 20 and 36 inches would be nonelectrified grounding strands.
- 3) Facilities licensed after January 1, 2013, may not contain any wild cervids prior to stocking with captive cervids. Licensees shall ensure all enclosures are devoid of wild deer or elk before stocking with captive cervids.

# Pen Expansion for current facilities

#### **Current Restrictions**

Only licensees with Certified herds may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility.

## **Proposed Restrictions**

Any licensee may expand a pen or add a new pen but must adhere to the fencing standards set forth for new facilities (the additional electric fence). For expanded pens, these standards apply to the entire pen, not just the expanded portion.

Transportation permits to move captive cervids

#### **Current Restrictions**

Transportation allowed for:

- export out of state,
- to a slaughterhouse for slaughter,
- to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD, and
- from a N.C. Certified Herd to another N.C. Certified Herd.

# **Proposed Restrictions**

Transportation allowed for:

- export out of state,
- to a slaughterhouse for slaughter,
- to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD, and
- from a N.C. Certified Herd to another N.C. captive cervid licensed facility. The receiving facility may not receive more animals than allowed under their licensed pen size.

# 2013-2014 Season Dates

The Commission provides this table of upcoming season dates for planning purposes ONLY. Final season dates are published in the 2013–2014 Regulations Digest, available Aug. 1, 2013.

Species	Open Dates	
Bear	In and west of Surry, Wilkes, Caldwell, Burke and Cleveland: Oct. 14, 2013–Nov. 23, 2013 and Dec. 16, 2013–Jan. 1, 2014	
	Alexander, Beaufort, Camden, Catawba, Chowan, Craven, Dare, Edgecombe, Greene, Halifax, Harnett, Hyde, Iredell, Johnston, Jones, Lenoir, Martin, Nash, Northampton, Pasquotank, Pitt, Stokes, Tyrrell, Vance, Warren, Wash ington, Wayne, Wilson and Yadkin counties: Nov.11–16, 2013 and Dec.16–28, 2013	
	Bertie, Currituck, Gates, Hertford and Perquimans counties: Nov. 9–16, 2013 and Dec.16–28, 2013	
	Bladen, Carteret, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender and Sampson counties: Nov.11, 2013–Jan. 1, 2014	
	Brunswick and Columbus counties: Dec. 2–21, 2013	
Wild Turkey Spring Season (bearded or male turkeys only)	Apr. 13, 2013–May 11, 2013 Apr. 12, 2014–May 10, 2014	
Wild Turkey Youth-only Season (bearded or male turkeys only)	Apr. 6, 2013 and Apr. 5–11, 2014 [if H4 is adopted]	
Raccoon and Opossum	Oct. 14, 2013-Feb. 28, 2014	
Squirrel	Gray and Red Squirrel: Oct. 14, 2013–Feb 28, 2014 Fox Squirrel: Oct 14–Dec. 31, 2013 in selected counties	
Rabbit	Nov. 23, 2013–Feb. 28, 2014	
Quail	Nov. 23, 2013–Feb. 28, 2014	
Grouse	Oct. 14, 2013–Feb. 28, 2014	
Bobcat	Oct. 14, 2013–Feb. 28, 2014	
Fox	See "Fox Season Hunting and Trapping Laws" publication at newildlife.org.	
Crow	Wednesday, Friday and Saturday of each week between June 5, 2013 and Feb. 28, 2014, plus Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King Jr. Day, and July 4th.	
Pheasant	Nov. 16, 2013–Feb. 1, 2014	
Trapping	Dec. 1, 2013–Feb. 28, 2014 in and east of Hertford, Bertie, Martin, Pitt, Greene, Lenior, Duplin, Pender and New Hanover counties Nov. 1, 2013–Feb. 28, 2014 in all other counties	

Deer Seasons	
Locations	Type of Season and Dates
Eastern	Bow and Arrow: Sept. 7–27, 2013 Muzzleloading: Sept. 28–Oct.11, 2013 Gun: Oct. 12, 2013–Jan. 1, 2014
Central	Bow and Arrow: Sept. 7, 2013–Nov. 1, 2013 Muzzleloading: Nov. 2, 2013–Nov. 15, 2013 Gun: Nov. 16, 2013–Jan. 1, 2014
Northwestern	<b>Bow and Arrow:</b> Sept. 7, 2013 – Nov. 8, 2013 <b>Muzzleloading:</b> Nov. 9–22, 2013 <b>Gun:</b> Nov. 23, 2013 – Jan. 1, 2014
Western	Bow and Arrow: Sept. 9, 2013 to Sept. 28, 2013 and Oct. 14 to Nov. 23, 2013  Muzzleloading: Sept. 30–Oct. 12, 2013  Gun: Nov. 25, 2013 –Dec.14, 2013
Gun: Either-Sex Seasons	Introductory Season: Last open day of the applicable gun season.  Conservative Season: Last six open days of the applicable gun season.  Moderate Season: First six open days and last six open days of the applicable gun season.  Maximum Season: All open days of the applicable gun season.
Urban Deer Season (open in participating cities only; see Regulations Digest for list and contact inform	<b>Bow and Arrow Only:</b> Jan. 12, 2013 – Feb. 16, 2013 and Jan. 11, 2014 to Feb. 15, 2014 ation)
Dismal Swamp, Mackay Island, Pocosin Lakes and Pee Dee National Wildlife Refuges (and Currituck if H1 is adopted)	<b>Gun Either-Sex:</b> Sept. 7, 2013–Jan. 1, 2014
Sunny Point, Camp Lejeune, Cherry Point, Fort Bragg and Camp Mackall Military Installatio	<b>Gun Either-Sex:</b> Oct. 12, 2013–Jan. 1, 2014
Belews Creek	Special Either-Sex Youth Hunt: Oct. 5, 2013 (permit only)
Mountain Island State Forest	Special Either-Sex Youth Hunt: Oct. 19, 2013 (permit only)

# Helpful Phone Numbers

Big Game Harvest Reporting 800-I-GOT-ONE (800-446-8663)		
Boating Access Areas		
Boating Safety Course Information		
Boater Safety Education–Replacement Certificates		
Conservation Education Division		
Enforcement Operations Office		
Engineering Division		
Hunter Safety Course Information		
Hunter Safety Education–Replacement Certificates		
Inland Fisheries Division		
License Information		
License Purchases by Credit Card		
Marine Fisheries		
800-682-2632		
Migratory Bird Hunting Dates & Shooting Hours		
Personnel Officer 919-707-0101		
Regulation Information		
Wildlife Calendar		
Wildlife in North Carolina Magazine/N.C. Wild Store Products		
Vessel Registration and Titling		
Violations Reporting		
*(TTY machine available for people with hearing disabilities)		
Wildlife Management Division		



# Purchasing Licenses or Magazine Subscriptions Using MasterCard or Visa

Call 888-248-6834 to use your MasterCard or Visa to purchase most hunting and fishing licenses. Call 866-945-3746 for a subscription to *Wildlife in North Carolina* magazine. Have your credit card, a pen and paper handy before calling.

#### North Carolina Wildlife Resources Commission

1701 Mail Service Center, Raleigh, NC 27699-1701 Division of Inland Fisheries 919-707-0220 Division of Wildlife Management 919-707-0050

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Get N.C. Wildlife Update—news including season dates, bag limits, legislative updates and more—delivered to your Inbox from the N.C. Wildlife Resources Commission. Go to newildlife.org/enews.